

CHAPTER 69-06-04
CERTIFICATE OF SITE OR CORRIDOR COMPATIBILITY

Section

69-06-04-01

Application

69-06-04-02

Designation of Sites and Corridors

69-06-04-01. Application.

1. **Form.** All applications shall be in such form as the commission may prescribe.
2. **Filing.** The applicant shall file an original and ten copies of an application with the commission.
3. **Notice of filing.** The commission shall serve a notice of filing of a complete application on the following:
 - a. The chairman of the board of county commissioners and the auditor of each county in which any part of the site or corridor is proposed to be located.
 - b. The chief executive officer of each city in a county in which any part of an energy conversion facility is proposed to be located.
 - c. The chief executive officer of each city within a proposed corridor for a transmission facility.
 - d. The state agencies and officers entitled to notice as designated in section 69-06-01-05.
 - e. The state senators and representatives of each legislative district in which any part of the site or corridor is proposed to be located.
4. **Amendment of application.** The commission may allow an applicant to amend its application at any time during the pendency of an application. A rehearing may be required if the commission determines that a proposed amendment, which is received after the hearing process has been completed, materially changes the authority sought.
5. **Reapplication.** When a certificate is denied and the commission specifies a modification that would make it acceptable, the applicant may reapply. In a reapplication:
 - a. The reapplication shall be heard in the same manner as an original application.

- b. The utility shall indicate its acceptance or rejection of the suggested modification.
- c. If a suggested modification is rejected by the applicant, it shall propose an alternative modification.
- d. No initial fee shall be required.
- e. Further additional fees may be required.
- f. Reapplication must be made within six months of the order denying an application.

History: Amended effective August 1, 1979.

General Authority: NDCC 49-22-18

Law Implemented: NDCC 49-22-08, 49-22-08.1

69-06-04-02. Designation of sites and corridors.

1. Requirements of order.

- a. An order approving the issuance of a certificate shall contain findings that the application, with modifications, if any, meets the site or corridor evaluation process requirements of the Act, and any special conditions the commission may require.
 - (1) Any modifications or special conditions required by the commission shall be deemed to be accepted unless the applicant petitions for a rehearing.
 - (2) If the applicant rejects any modifications or special conditions and proposes alternatives which it would accept, such a proposal shall be treated by the commission as an amendment to the application.
 - (3) If the applicant rejects any modifications or special conditions without either requesting a rehearing or proposing alternatives, the commission shall rescind its order and deny the application.
- b. The width of a corridor must be at least ten percent of its length, but not less than one mile [1.61 kilometers] or greater than six miles [9.66 kilometers] unless approved by the commission.
- c. An order denying the issuance of a certificate shall contain findings that state:

(1) The reason for such denial.

(2) What modification in the application would make it acceptable or that there is no modification that would be acceptable based upon the record before the commission.

2. **Issuance of a certificate.** When a site or corridor is approved, the commission shall issue a certificate in accordance with the order which shall:

a. Describe the authority granted.

b. Contain any special conditions that the commission may require.

General Authority: NDCC 49-22-18

Law Implemented: NDCC 49-22-08

